

CAUSE NO. CVOC-23-0000427

ANDY GARCIA, AS TRUSTEE OF	§	IN THE DISTRICT COURT
BOGER FAMILY TRUST,	§	
JULIE A. MILLS,	§	
PATTI LYNN WIATREK F/K/A	§	
PATTI LYNN BROWN,	§	
O'BANYON WOOTSSEN CUSTER AND NATALIE	§	
CHRISTINE CUSTER,	§	
BRYAN NEFF AND LAURIE NEFF,	§	
LORETTA NEUMANN,	§	
NEVELS PROPERTIES, LLC, AND	§	198TH JUDICIAL DISTRICT
LUKE SCHILHAB AND ALLISON SCHILHAB,	§	
Plaintiffs,	§	
v.	§	
SARAH ANN SHAW, AS TRUSTEE OF THE SHAD	§	
C. SHAW FAMILY TRUST, DAVID EUGENE	§	
HEEP, PINE GATE RENEWABLES, LLC AND	§	
RIO LAGO SOLAR, LLC,	§	
Defendants.	§	BANDERA COUNTY, TEXAS

TEMPORARY INJUNCTION ORDER

On January 29, 2024, Plaintiffs' Application for Temporary Injunction was heard by the Honorable Judge M. Patrick Maguire in the 198th Judicial District Court of Bandera County, Texas. Plaintiffs and Defendants appeared by and through their counsel of record and announced ready.

The Court, after considering the evidence, the arguments of counsel, the credibility of the witnesses, and the parties' briefing, the Court is of the opinion the Application should be **GRANTED**. The Court finds injunctive relief is warranted because (1) Plaintiffs have pled causes of action against the Defendants; (2) Plaintiffs have showed a probable right to the relief sought; (3) Plaintiffs established the existence of a probable, imminent, and irreparable injury. Because Plaintiffs face continued risk of imminent harm and irreparable injury based on Defendants' actions, issuance of a Temporary Injunction is appropriate.

It is therefore **ORDERED, ADJUDGED, and DECREED** that *Plaintiffs' Application for Temporary Injunction* is hereby **GRANTED** and Defendants SARAH ANN SHAW, AS TRUSTEE OF THE SHAD C. SHAW FAMILY TRUST, DAVID EUGENE HEEP, PINE GATE RENEWABLES, LLC, and RIO LAGO SOLAR, LLC are ordered as follows:

1. Defendants are temporarily enjoined from timbering or felling trees on the leased properties, along with other activities related to clearing, grading, or preparing the land in preparation for the solar farm until they have complied with the following requirements:

- a. Defendants shall obtain a TCEQ-approved Construction General Permit;
- b. Defendants shall prepare and implement a TCEQ-approved Stormwater Pollution Prevention Plan (SWPPP);
- c. Defendants shall prepare and implement further TCEQ-approved SWPPPs prior to any soil-disturbing activities, including grubbing the soil, stump removal, removal of root balls, stripping the soil and grading the soil;
- d. Defendants shall prepare and implement further TCEQ-approved SWPPPs prior to commencing each successive phase of solar farm construction;
- e. Defendants are prohibited from timbering or felling trees in any flood plain or flood hazard area; and
- f. Defendants shall comply with all local, state, and federal laws and regulations in the construction of the solar farm.

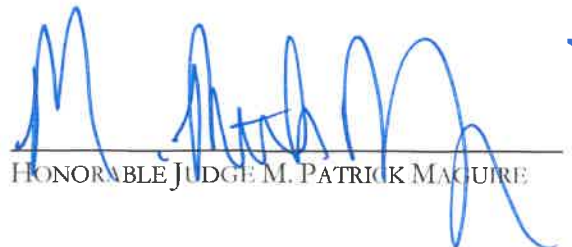
2. The bond in the amount of \$50,000 shall be continued.

3. The parties are referred to conduct mediation prior to May 1, 2024.

4. A jury trial in this cause is set for 10/22/24 at 9:00 A.M. in Bandera

THE 198TH
DISTRICT COURTROOM, BANDERA CO. JUSTICE CENTER, BANDERA, TX.
* PRE-TRIAL HEARING IS SET FOR 10/15/24 AT 9:00 A.M.

Signed and entered on FEB. 7, 2024.


HONORABLE JUDGE M. PATRICK MAGUIRE

APPROVED AS TO FORM ONLY:

ROSENBLATT LAW FIRM

16731 Huebner Road
San Antonio, Texas 78248
Telephone: (210) 562-2900
Facsimile: (210) 562-2929

By: /s/ Jennifer B. Rosenblatt

Jennifer B. Rosenblatt
State Bar No. 00788321
Jennifer@ROSENBLATTLAWFIRM.com
Nicole E. Jackson
State Bar No. 24048178
Nicole@ROSENBLATTLAWFIRM.com
Wendy L. Martinez
State Bar No. 10279050
Wendy@ROSENBLATTLAWFIRM.com

ATTORNEYS FOR PLAINTIFFS

BAKER BOTTS L.L.P.

401 S 1st Street Unit 1300
Austin, Texas 78704

PHILIP MEYER PLLC

611 Main Street
Bandera, Texas 78003

By: _____

Gavin Villareal
State Bar No. 24008211
Gavin.villareal@bakerbotts.com
Paulina Williams
State Bar No. 24066295
Paulina.williams@bakerbotts.com
Anthony Lucisano
State Bar No. 24102118
Anthony.lucisano@bakerbotts.com
Dominic Cruciani
State Bar No. 24116238
Dominic.cruciani@bakerbotts.com
Bill Kroger
State Bar No. 17532080
Bill.kroger@bakerbotts.com

By: _____

Philip A. Meyer
State Bar No. 00784597
Phil@philmeyer.law

ATTORNEY FOR DEFENDANTS SARAH
ANN SHAW, AS TRUSTEE OF THE SHAD
C. SHAW FAMILY TRUST AND DAVID
EUGENE HEEP

ATTORNEYS FOR DEFENDANTS

RIO LAGO SOLAR, LLC AND
PINE GATE RENEWABLES, LLC